

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #8	CCRB Case #: 201905554	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/12/2019 10:35 PM, Thursday, 06/13/2019 1:13 AM	Location of Incident: 105th Precinct stationhouse and § 87(2)(b)	Precinct: 105	18 Mo. SOL 12/12/2020	EO SOL 7/29/2021	
Date/Time CV Reported Wed, 06/12/2019 11:38 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 06/25/2019 11:09 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jude Reimbeau	01431	925976	105 PCT
2. POM Angel Perez	04180	935492	105 PCT
3. POM Guillermo Cruz	22612	957498	105 PCT
4. POM Freddy Guevara	13815	960626	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Russell Lerch	01416	960798	HWY DST
2. POM Patrick Lavin	26097	945908	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Jude Reimbeau	Abuse: On June 12, 2019, at the 105th Precinct stationhouse in Queens, Sergeant Jude Reimbeau threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
B.SGT Jude Reimbeau	Discourtesy: On June 12, 2019, at the 105th Precinct stationhouse in Queens, Sergeant Jude Reimbeau spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.SGT Jude Reimbeau	Force: On June 12, 2019, at the 105th Precinct stationhouse in Queens, Sergeant Jude Reimbeau used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Angel Perez	Force: On June 12, 2019, at the 105th Precinct stationhouse in Queens, Police Officer Angel Perez used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Guillermo Cruz	Force: On June 13, 2020, at § 87(2)(b), Police Officer Guillermo Cruz used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Freddy Guevara	Force: On June 13, 2020, at § 87(2)(b), Police Officer Freddy Guevara used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On June 12, 2019, § 87(2)(b) filed this complaint with IAB under original log #2019-24050. On June 25, 2019, this case was received by the CCRB.

On June 12, 2019, at approximately 10:35 p.m., at the 105th Precinct stationhouse, Sergeant Jude Reimbeau allegedly threatened to tase § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(g) Sgt. Reimbeau spoke discourteously to § 87(2)(b) (**Allegation B: Discourtesy**, § 87(2)(g) § 87(2)(g) Sgt. Reimbeau and Police Officer Angel Perez, also of the 105th Precinct, allegedly used physical force against § 87(2)(b) (**Allegations C and D: Force**, § 87(2)(g) § 87(2)(g).

On June 13, 2019, at approximately 1:13 a.m., at § 87(2)(b), Police Officer Guillermo Cruz and Police Officer Freddy Guevara of the 105th Precinct allegedly used physical force against § 87(2)(b) (**Allegations E and F: Force**, § 87(2)(g) § 87(2)(g).

This case contains BWC footage (Board Reviews 18 and 20-24) and stationhouse footage (Board Review 11).

Findings and Recommendations

Allegation (A) Abuse of Authority: On June 12, 2019, at the 105th Precinct stationhouse in Queens, Sergeant Jude Reimbeau threatened § 87(2)(b) with the use of force.

In his sworn statement provided August 1, 2019, § 87(2)(b) described being arrested on the morning of June 12, 2019, § 87(2)(b) and finally lodged in the 105th Precinct stationhouse holding cells while still wearing his belt and shoelaces (Board Review 01). Upon being asked to “strip” by the cell attendant, § 87(2)(b) refused and asked why he had to do so. The cell attendant informed § 87(2)(b) that he could not have his belt or shoelaces in the cell. § 87(2)(b) refused to remove said articles of clothing. Around 7:30 p.m., two officers, identified by the CCRB as Sgt. Reimbeau and PO Perez, entered the cell area. Sgt. Reimbeau then pointed his Taser at § 87(2)(b) and told him to remove his clothing.

Both Sgt. Reimbeau and PO Perez were consistent in holding that they entered the cell area after being informed that § 87(2)(b) who had been arrested for § 87(2)(b) was refusing to remove his belt and shoes (Board Review 02 and 03). Sgt. Reimbeau instructed § 87(2)(b) to exit the cell area, to which § 87(2)(b) replied, “Fuck you.” Sgt. Reimbeau repeated himself numerous times before retrieving a Taser, entering the cell area, and telling § 87(2)(b) to come out. Sgt. Reimbeau testified that he obtained the Taser prior to entering the cell for his own protection because § 87(2)(b) was under arrest for homicide. Sgt. Reimbeau did not provide any additional reasons for retrieving the Taser. Sgt. Reimbeau did not recall if he pointed the Taser at § 87(2)(b).

There is no BWC footage depicting this portion of the incident.

The IAB log for this incident did not contain accurate information regarding the time at which this incident occurred. As a result, the CCRB’s request for stationhouse footage did not yield footage depicting this incident (at the time the it was requested, stationhouse footage requests were restricted by IAB to one hour of footage per request). By the time the CCRB received footage responsive to the initial request, stationhouse footage from the date of incident had expired. § 87(2)(g) § 87(2)(g)

Per Patrol Guide Procedure 208-03, individuals in NYPD custody are not allowed to have their belt or shoes in the holding cells, because these items can be used to cause serious harm to themselves or others (Board Review 04).

§ 87(2)(g)

Allegation (B) Discourtesy: On June 12, 2019, at the 105th Precinct stationhouse in Queens, Sergeant Jude Reimbeau spoke discourteously to § 87(2)(b)

In his CCRB interview, Sgt. Reimbeau stated that after § 87(2)(b) had verbally refused three times to exit the cell area so his belt and shoes could be removed, he told § 87(2)(b) “Listen, you gotta come out. I need you to come out of the fucking cells. You gotta remove your belt and shoelaces” (Board Review 02). Sgt. Reimbeau also told § 87(2)(b) “Get the fuck out of the cells. I don’t have time for this.”

After § 87(2)(b) was induced to leave the cells, he was sat down in a chair, whereupon Sgt. Reimbeau was able to remove § 87(2)(b)’s belt and left shoe without great difficulty. When Sgt. Reimbeau tried to remove § 87(2)(b)’s right shoe, § 87(2)(b) locked his foot on the ground, at which point Sgt. Reimbeau told him, “Okay, we gotta do your right. Okay, give me your fucking leg.” Sgt. Reimbeau stated that he used profanity as “verbal force” for the sole purpose of gaining compliance from § 87(2)(b).

§ 87(2)(b) did not allege that Sgt. Reimbeau used profanity during the interaction (Board Review 01).

As noted above, there is no BWC depicting this portion of the incident.

In DCT Case 2013-10143, the Deputy Commissioner of Trials noted that they have “consistently held that while police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations” (Board Review 05). In this case, the Deputy Commissioner of Trials cited Disciplinary Case No. 77896/02, in which an officer told a “belligerent and difficult” suspect, “I’ll do whatever the fuck I want out here” and was found not guilty of discourtesy. The CCRB Investigations division does not have access to the latter case.

§ 87(2)(g)

Allegation (C) Force: On June 12, 2019, at the 105th Precinct stationhouse in Queens, Sergeant Jude Reimbeau used physical force against § 87(2)(b)

Allegation (D) Force: On June 12, 2019, at the 105th Precinct stationhouse in Queens, Police Officer Angel Perez used physical force against § 87(2)(b)

In his CCRB interview, § 87(2)(b) described refusing to remove his belt and shoelaces (Board Review 01). § 87(2)(b) exited the cell, was handcuffed by the officers, and sat in a chair. § 87(2)(b) alleged that the officers then without provocation grabbed the legs of his chair, flipped it so that § 87(2)(b) fell on his back, and then hit and kicked § 87(2)(b) in his legs, neck and face. § 87(2)(b) could not say how many times the officers struck him or for how long he was assaulted. The

officers then removed § 87(2)(b)'s shoes, but left him with his belt because § 87(2)(b) threatened to spit on them.

Sgt. Reimbeau testified that after § 87(2)(b) locked his right foot on the ground, he pulled up on § 87(2)(b)'s right shoe and inadvertently caused the chair to slide back. While Sgt. Reimbeau intended solely to remove § 87(2)(b)'s shoe by taking this action, § 87(2)(b) started to slide down onto the ground. Sgt. Reimbeau and PO Perez then placed back § 87(2)(b) in the chair before returning him to the cells. Sgt. Reimbeau denied at any point kicking or punching § 87(2)(b). Sgt. Reimbeau at multiple points in the interview indicated that he believed the CCRB to be in possession of video footage depicting this incident, and requested to view the footage during the interview (See, for instance, 07:50 minutes and 24:38 minutes in the recording attached to Board Review 02).

PO Perez's CCRB statement was consistent with that of Sgt. Reimbeau. While there is no footage depicting the incident itself, BWC footage shows PO Perez attempting to take photos of § 87(2)(b)'s alleged injuries for a TRI, to which § 87(2)(b) responded by telling PO Perez to "eat rocks" (Board Review 23).

§ 87(2)(b)'s medical records note that as of June 13, 2019, § 87(2)(b) had no observable wounds, pain or stiffness to any part of his body (Board Review 15)

As noted above, the investigation did not receive stationhouse footage that would have likely proved dispositive as to these allegations. However, the IAB log and ISAR note that stationhouse footage was reviewed by Captain Chan of the 105th Precinct, and that the footage was consistent with the officers' accounts (Board Review 08).

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§ 87(2)(g)

Allegation (E) Force: On June 13, 2020, at § 87(2)(b) in Queens, Police Officer Guillermo Cruz used physical force against § 87(2)(b)

Allegation (F) Force: On June 13, 2020, at § 87(2)(b) in Queens, Police Officer Freddy Guevara used physical force against § 87(2)(b)

In his sworn statement, § 87(2)(b) stated that he requested medical treatment at some point on June 13, 2020 (Board Review 01). § 87(2)(b) was then transported to § 87(2)(b). § 87(2)(b) refused medical treatment at § 87(2)(b) and was told by staff that he did not have the right to refuse treatment. § 87(2)(b) alleged that around ten individuals – nurses, hospital police, members of the hospital’s Behavioral Emergency Response Team and two officers identified by the CCRB as PO Cruz and PO Guevara – began simultaneously attacking § 87(2)(b). One of the officers choked § 87(2)(b) punched him in the face, and held a sheet over his face to prevent him from spitting. § 87(2)(b) denied spitting at anyone during his interview, but acknowledged kicking at the officers and hospital staff. The other officer concurrently punched § 87(2)(b) in his torso and genitals. At various points in his interview, § 87(2)(b) both alleged that was the second of these officers who punched him in his face, and that he could not attribute particular actions to specific officers other than the first officer trying to smother him with a blanket. A nurse then pulled down § 87(2)(b)’s pants and injected him in his buttocks with a needle containing Adderall, which caused him to lose consciousness. § 87(2)(b) further claimed that when he woke up, he was completely naked and bleeding from his anus.

Both PO Cruz and PO Guevara denied using physical force against § 87(2)(b) beyond holding him down (Board Reviews 06 and 07). Body-worn camera footage shows that the assault alleged by § 87(2)(b) did not occur, that his pants were not pulled down, and that § 87(2)(b) was injected with a sedative in his arm, not his buttocks (Board Review 18). The footage further depicts § 87(2)(b) threatening the life of hospital staff, stating, “I’m gonna kill you, bitch.”

§ 87(2)(b)’s medical records note that he was admitted to § 87(2)(b) for a psychological evaluation while in police custody (Board Review 15). As noted above, they also note that § 87(2)(b) was manipulative and trying to extend his hospital stay, and that he was not bleeding from his anus.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to 10 other CCRB complaints (Board Review 27). This is the fifth to be fully investigated by the CCRB.

§ 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]

- Sgt. Reimbeau has been a member of service for 20 years. In that time, he has been the subject of 10 allegations in seven other cases.
 - In CCRB 201803977, Sgt. Reimbeau was the subject of a substantiated discourtesy allegation and received instructions, consistent with the CCRB’s recommendation.
- PO Perez has been a member of service for 16 years. He has been the subject of one prior allegation, which was resolved in mediation.
- PO Cruz has been a member of service for five years. During that time, he has been the subject of three allegations in one prior case, none of which were substantiated § 87(2)(g) [REDACTED]
- PO Guevara has been a member of service for four years. § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- § 87(2)(b) [REDACTED] has filed a Notice of Claim regarding this incident (Board Review 19).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad No.: 8

Investigator: <u>Charlie Hartford</u>	Inv. <u>Charlie Harford</u>	<u>11/16/20</u>
Signature	Print Title & Name	Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 11/17/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date